



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Christopher B. Coleman,
Mayor

Agenda

November 30, 2012
8:30 – 11:00 a.m.

Saint Paul
Planning Commission

Chair
Barbara A. Wencil
First Vice Chair
Elizabeth Reveal
Second Vice Chair
Paula Merrigan
Secretary
Daniel Ward II

Pat Connolly
Daniel Edgerton
Gene Gelgelu
William Lindeke
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Perrus
Marilyn Porter
Tony Schertler
Emily Shively
Robert Spaulding
Terri Thao
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

I. Approval of minutes of November 16, 2012.

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

NEW BUSINESS

#12-206-723 Statera Fitness – Rezone from RM2 multi-family residential to B2 community business for a health/fitness facility. 688 Hague Avenue SW corner at St. Albans. *(Bill Dermody, 651/266-6617)*

V. Update on Ford Project and Upcoming Master Site Plan Review for Site Decommissioning - Informational presentation by Merritt Clapp-Smith, PED. *(Merritt Clapp-Smith, 651/266-6547)*

VI. Peak Democracy: Open Saint Paul – Informational presentation about a new mechanism for community input. *(Mary Matze, 651/266-6708)*

VII. Comprehensive Planning Committee

VIII. Neighborhood Planning Committee

IX. Transportation Committee

X. Communications Committee

XI. Task Force/Liaison Reports

XII. Old Business

XIII. New Business

XIV. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission
MASTER MEETING CALENDAR**

WEEK OF NOVEMBER 26-30, 2012

Mon (26)

Tues (27)

3:30- Comprehensive Planning Committee
5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)

HAS BEEN CANCELLED

Weds (28)

Thurs (29)

Fri (30)

8:30- Planning Commission Meeting
11:00 a.m. (Donna Drummond, 651/266-6556)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

NEW BUSINESS

#12-206-723 Statera Fitness – Rezone from RM2 multi-family residential to B2 community business for a health/fitness facility. 688 Hague Avenue SW corner at St. Albans. (Bill Dermody, 651/266-6617)

Informational Presentation ... Update on Ford Project and Upcoming Master Site Plan Review for Site Decommissioning - Informational presentation by Merritt Clapp-Smith, PED. (Merritt Clapp-Smith, 651/266-6547)

Informational Presentation ... Peak Democracy: Open Saint Paul – Informational presentation about a new mechanism for community input. (Mary Matze, 651/266-6708)

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes November 16, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, November 16, 2012 at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Perrus, Reveal, Shively, Wencl; and Messrs. Edgerton, Gelgelu, Lindeke, Oliver, Schertler, Spaulding, Ward, and Wickiser.

Commissioners Absent: Mmes. *Merrigan, *Noecker, *Porter, *Thao, *Wang, and Messrs. *Connolly, *Nelson, and *Ochs.

*Excused

Also Present: Donna Drummond, Planning Director; Lucy Thompson, Patricia James, Michelle Beaulieu, Scott Tempel, Bill Dermody, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes November 2, 2012.

MOTION: *Commissioner Reveal moved approval of the minutes of November 2, 2012. Commissioner Gelgelu seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that the appeal of the site plan approval for the Rice Street Market was heard by City Council last week. The Council upheld the Planning Commission's approval of that site plan and denied the appeal.

The other item is related to the nonconforming use amendments that were at City Council and were laid over. Council President Lantry introduced some changes from the Planning Commission's recommendations, which will be up for final adoption on Nov. 28th. There are three major changes proposed. One would not permit vertical expansions of nonconforming buildings that had nonconforming set backs. For example, this would limit the ability to add a second story onto a house if the set back was 3 feet and the set back requirement was 4 feet. The other change would not allow nonconforming structures that were built as a duplex or 4-plex, for example, to be re-established without going through a re-establishment of non-conforming use permit process. The third change was to the requirements for nonconforming use petitions. The Planning Commission had recommended that property owners of 51% of the properties within

100 feet of the use must sign the petition, and this was changed back to the two-thirds requirement that is currently in the Zoning Code.

IV. Zoning Committee

STAFF SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Three items came before the staff Site Plan Review Committee on Tuesday, November 13, 2012:

- Aurora Day Care, parking lot and storm drain plan at 1048 Aurora Avenue.
- Summit Brewery, 7900 sf Addition to Brewery at 910 Montreal Circle.
- Macalester Fine and Performing Arts Center, Phase 2 Art Building addition and renovation at 130 Macalester Street.

Three items to come before the staff Site Plan Review Committee on Tuesday, November 20, 2012:

- Prosperity Heights Elementary School, new parking lot at 1305 Prosperity.
- Custom Renovations, new contractors shop and parking lot at 1464 Selby.
- Johnson Brothers Liquor, 70,000 square foot addition to existing warehouse at 1999 Shepard Road.

OLD BUSINESS

#12-109-252 Hip Hounds Inc – Establishment of legal nonconforming use as a dog daycare with outdoor relief/exercise area. 1752 Grand Avenue between Wheeler and Fairview. *(Michelle Beaulieu, 651/266-6620)*

Commissioner Edgerton asked for clarification that if this business were new and just being proposed, it would not be allowed, but based on these other reasons stated, it's being allowed to continue.

Commissioner Perrus said that was correct; that if a business wanted to start today in that zoning district it would not be an allowed use. In 2007 the zoning administrator determined that this use was most appropriate in industrial zoned areas. The applicant has two other facilities operating within Saint Paul that are located in industrial zoned areas. The committee has asked the zoning administrator to consider if there are other options for these types of businesses. Each individual application would have to be considered, but this business fits at that location. If this business had started legally, it would have legal nonconforming use status as a business. Because it was not legally established, the Planning Commission can put on the condition related to transfer of ownership.

MOTION: *Commissioner Perrus moved the Zoning Committee's recommendation to approve the establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.*

NEW BUSINESS

#12-202-256 Metropolitan Council Environmental Services – Conditional use permit for a 5' x 5' x 7' water sampling shelter elevated to be above the regulatory flood protection elevation by a method other than fill. 2225-2255 Childs Road Terminus of Childs Road.
(Josh Williams, 651/266-6659)

MOTION: *Commissioner Perrus moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

#12-115-857 Good Guys Auto Body – Re-establishment of nonconforming use as an auto body shop. 744 3rd Street East, SW corner at Maple. (Bill Dermody, 651/266-6617)

MOTION: *Commissioner Perrus moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

Commissioner Perrus announced the items on the agenda for the next Zoning Committee meeting on Tuesday, November 20, 2012.

V. Comprehensive Planning Committee

No report.

VI. Neighborhood Planning Committee

West Side Flats Master Plan and Development Guidelines – Adopt resolution initiating the update of West Side Flats Master Plan and Development Guidelines; creating a community task force; and initiating a zoning study for the area bounded by Robert Street on the west, the Mississippi River on the north, Lafayette/Hwy. 52 on the east and Plato Boulevard on the south.
(Lucy Thompson, 651/266-6578)

Commissioner Spaulding said that the Neighborhood Planning Committee met and considered the basic framework for how to go about updating the West Side Flats Master Plan and Development Guidelines. The resolution sets that process in motion, to update the West Side Flats Master Plan and Development Guidelines, create a task force appointed by the Planning Commission and initiate a zoning study.

Commissioner Schertler said that the Port Authority talked about industrial land use development during preparation of the Great River Passage Master Plan (Lorrie Louder from the Port Authority is here today), and their concerns about preserving it and certain design standards and density. Schertler recommended having the Port Authority represented on the task force.

Chair Wencl said the Committee discussed task force membership and decided not to recommend specific groups to be represented in order to give staff some flexibility in soliciting members.

Lucy Thompson said that she has been talking to the Port Authority for at least a year about the West Side Flats Master Plan update, and that Port Authority staff have already committed to sitting on the task force. Ms. Thompson noted that a Request for Proposals has already been issued soliciting multi-disciplinary consultant teams to work with staff and the task force on the update. Five proposals were received, and a consultant will be selected before the end of the year.

Commissioner Ward asked about the differences between the project management team and the task force.

Ms. Thompson responded that the Project Management Team is comprised of City staff from PED, Public Works and DSI, as well as the Saint Paul Design Center. The task force will be comprised of residents, property owners, business owners, employees, and representatives from relevant river advocacy and environmental groups that have had a previous role in planning for the Flats.

Commissioner Reveal expressed her excitement at co-chairing the task force.

MOTION: *Commissioner Spaulding moved the Neighborhood Planning Committee's recommendation to approve the resolution initiating the update for the West Side Flats Master Plan, Development Guidelines and zoning study and creating a task force. The motion carried unanimously on a voice vote.*

VII. Transportation Committee

Commissioner Spaulding said at their last meeting they continued their discussion of the City's approach to the Streetcar Study, which the Commission was briefed on at the last Planning Commission meeting.

Commissioner Spaulding announced that the Transportation Committee will not be meeting on Monday, November 19, 2012.

VIII. Communications Committee

No report.

IX. Task Force/Liaison Reports

No reports.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 9:10 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission

PED\butler\planning commission\minutes\November 16, 2012



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

Tuesday, November 27, 2012

2nd Floor Conference Room

375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
9:00	Schmidt Brewery Bottling House renovation and parking lot 888 West 7 th Street? (on James near Oneida)
9:45	Ford Motor plant demolition 966 Mississippi River Blvd South

Applicants should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

Parking

A few free parking spaces are available in our visitor parking lot off of 6th Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4th and 5th Street.

If you have any questions, please call Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
*TUESDAY, November 20, 2012 3:30 P.M.
*Room #330, Third Floor City Hall, Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF NOVEMBER 8, 2012, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 12-206-723 and 12-206-725 Statera Fitness**
Rezone from RM2 multi-family residential to B2 community business for a health/fitness facility, and variance for required parking
688 Hague Ave, SW corner at St. Albans
RM2
Bill Dermody 651-266-6617

ADJOURNMENT

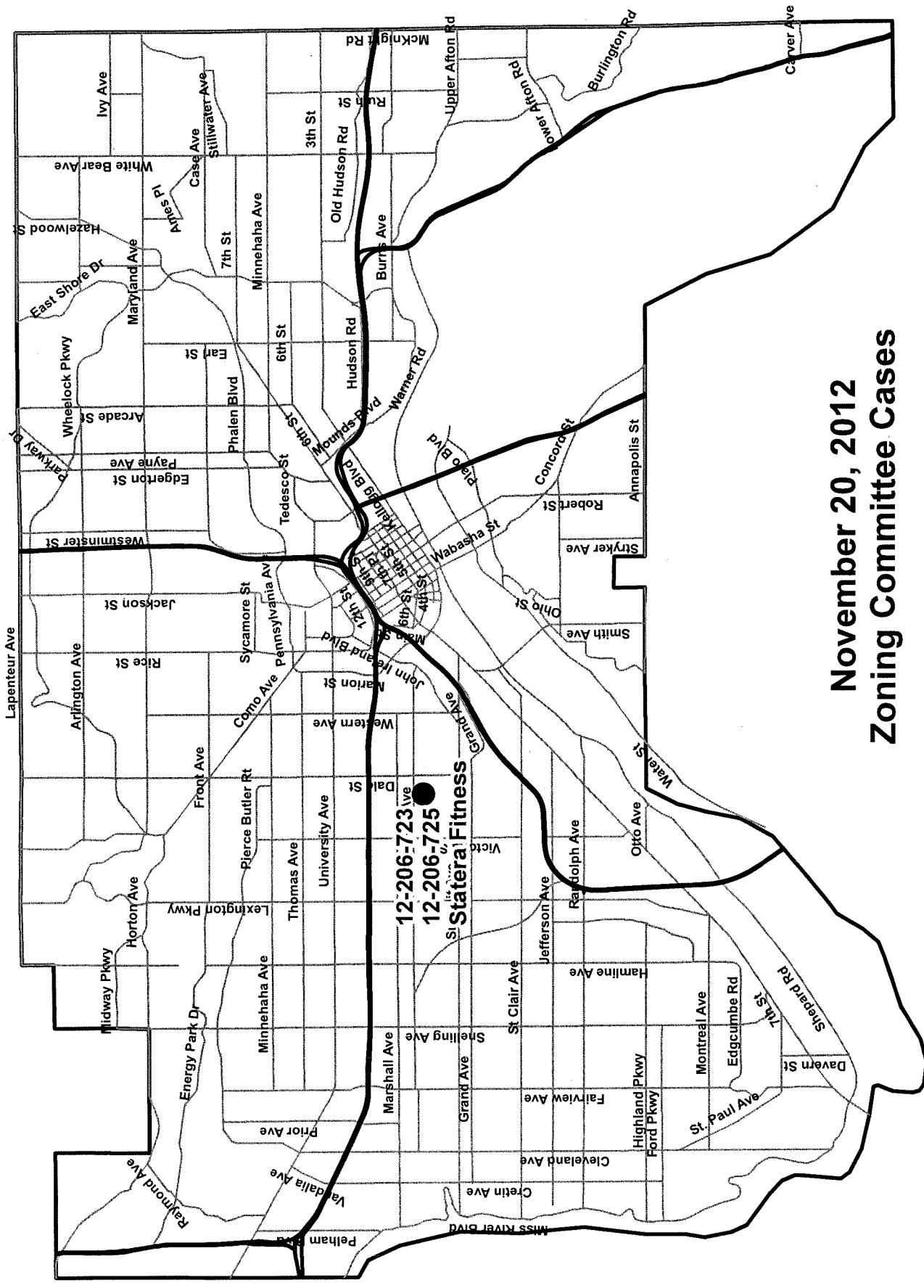
***Please note the meeting is on Tuesday instead of Thursday, and in Room 330 instead of Council Chambers.**

Information on agenda items being considered by the Zoning Committee can be found online at www.stpaul.gov/ped, then Planning, then Zoning Committee.

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.

November 20, 2012 Zoning Committee Cases



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Statera Fitness **FILE #:** 12-206-723
 2. **APPLICANT:** Alliance Bank **HEARING DATE:** November 20, 2012
 3. **TYPE OF APPLICATION:** Rezoning - Consent
 4. **LOCATION:** 688 Hague Ave, SW corner at St. Albans
 5. **PIN & LEGAL DESCRIPTION:** 022823110218; Holcombes Addition Tosaint P Lots 1 Thru Lot 4 Blk 7
 6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** RM2
 7. **ZONING CODE REFERENCE:** §61.801(b), §66.414, §66.421
 8. **STAFF REPORT DATE:** November 15, 2012 **BY:** Bill Dermody
 9. **DATE RECEIVED:** October 30, 2012 **60-DAY DEADLINE FOR ACTION:** December 29, 2012
-

- A. **PURPOSE:** Rezone from RM2 multi-family residential to B2 community business for a health/fitness facility.
- B. **PARCEL SIZE:** 160' (Hague) x 109' (St. Albans), totaling 17,465 sq. ft.
- C. **EXISTING LAND USE:** Vacant, formerly a plumbing contractor's shop
- D. **SURROUNDING LAND USE:** Church to the east (RM2), parking lot to the northeast (RM2), and single-family/multi-family residential uses in other directions (RM2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner. §66.414 addresses the intent of the B2 community business district. §66.421 lists all permitted uses in business districts.
- F. **HISTORY/DISCUSSION:** The property was rezoned from C-Residence to Commercial in 1956 to allow a grocery store to be developed. Also in 1956, the property received a use permit for its parking lot and a variance for its 4' setback along the west property line. The property was rezoned RM2 in 1975 as part of a citywide rezoning. By 2000, the use changed to a woodworking factory. A plumbing contractor's shop occupied the building in 2003 and vacated the property in 2012. There is no other zoning history for this property. An application for a variance of required parking has been submitted in conjunction with this rezoning application.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this memo, District 8 has not yet commented on the application.
- H. **FINDINGS:**
 1. The application proposes rezoning the property from RM2 to B2 to allow a health/fitness facility to occupy the building.
 2. The intent of the B2 community business district is "to serve the needs of a consumer population larger than that served by the 'local business district,' and [it] is generally characterized by a cluster of establishments generating large volumes of vehicular and pedestrian traffic." B2 zoning allows for a range of uses, including health club, restaurant, bank, offices, medical clinic, laundromat, service business, reception hall, and liquor store.
 3. The proposed zoning is not consistent with the way this area has developed. The property has contained a commercial business since 1956. However, the surrounding area is generally mixed use, including residential and institutional uses, and access to the site is from local streets. Selby Avenue, a minor arterial, is one block to the north.
 4. The proposed zoning is consistent with the Comprehensive Plan, which designates the property as being part of an Established Neighborhood, as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). The Comprehensive Plan states,

"Established Neighborhoods are residential areas of predominately single-family housing and adjacent neighborhood-serving commercial uses. These are areas of stability where the existing character will be essentially maintained." The District 8 Plan does not have any policies that apply to this proposal.

5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."* The proposed zoning is "spot zoning" because it creates an island of nonconforming use within the surrounding area zoned RM2, and it would appear to dramatically reduce the value of abutting property. The nearest properties zoned B2 front on Selby Avenue and are not immediately adjoining the subject property.
 6. The petition for rezoning was found to be sufficient on October 25, 2012: 32 parcels eligible; 22 parcels required; 23 parcels signed.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the rezoning from RM2 multi-family residential to B2 community business for a health/fitness facility.



PETITION TO AMEND THE ZONING CODE
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

RECEIVED

SEP 27 2012

Per. _____ PD=8

Zoning Office Use Only
 File #: 12-206723
 Fee: _____
 Tentative Hearing Date: 11-1-12

APPLICANT

Property Owner Alliance Bank
 Address 55 East 5th St.
 City St. Paul St. MN Zip 55101 Daytime Phone 651 229-0570
 Name of Owner (if different) _____
 Contact Person (if different) David Stadtman Phone 651 228-2376

PROPERTY LOCATION

Address/Location 688 Hague Ave
 Legal Description 2-28-23 Holcombe's Addition to St. Paul
Lots 1 through 4 Block 7 Current Zoning RM-2
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,

Alliance Bank, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a RM-2 zoning district to a zoning B 2
 district, for the purpose of:

- Health Management Facility / Physical Rehabilitation
- Exercise Physiology and program design
- Implementation for special populations
- Health and Fitness training

(attach additional sheets if necessary)

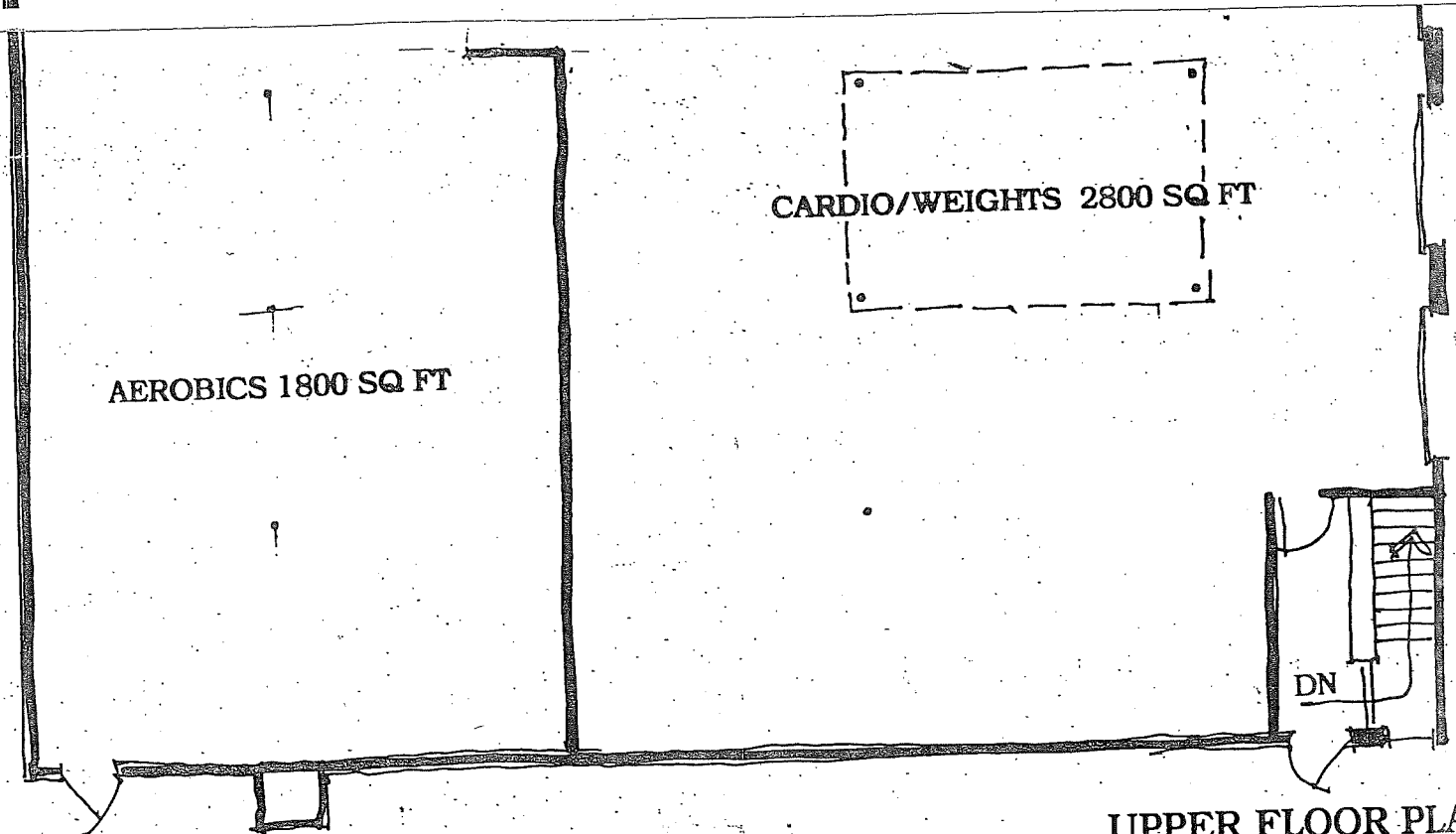
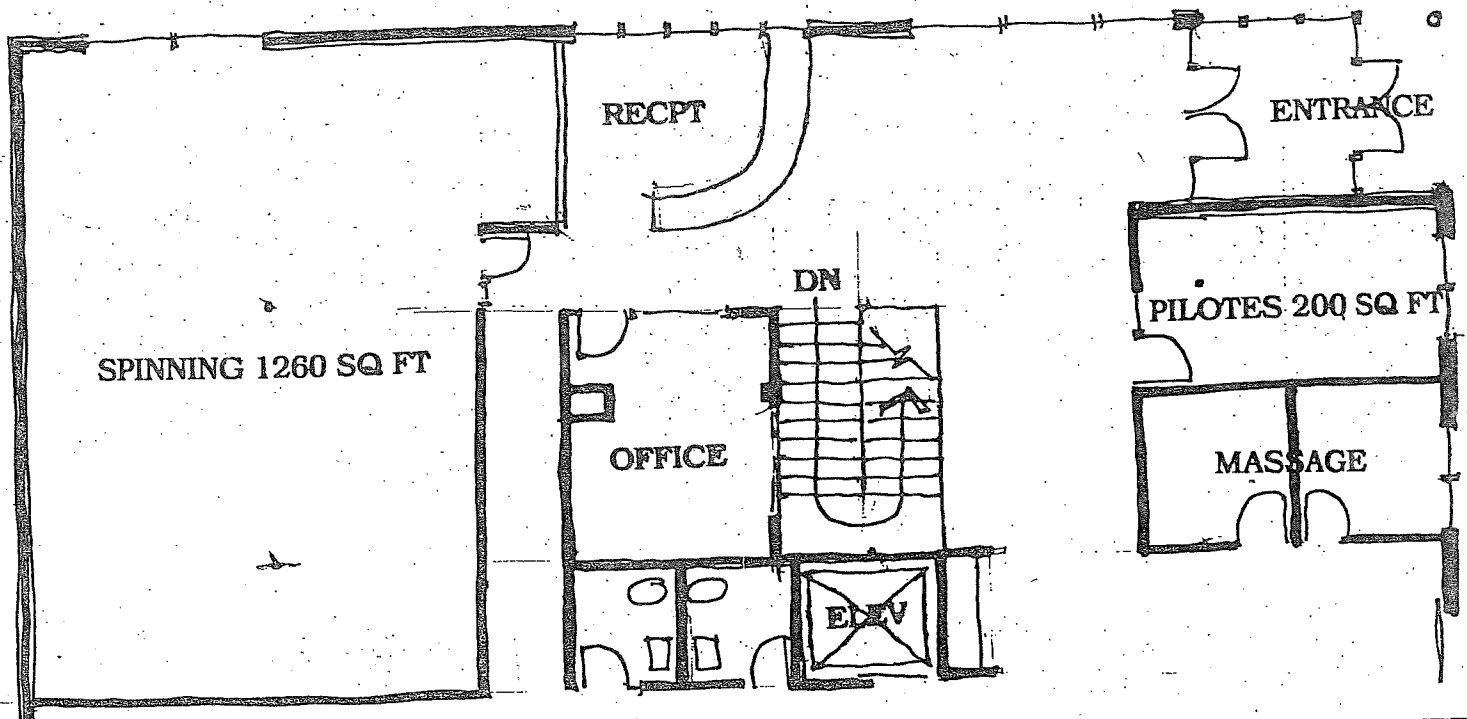
Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

OK 6918
 pdd
 10-19-12

Subscribed and sworn to before me

this 27th day
 of September, 2012
Jennilee Brotman
 Notary Public

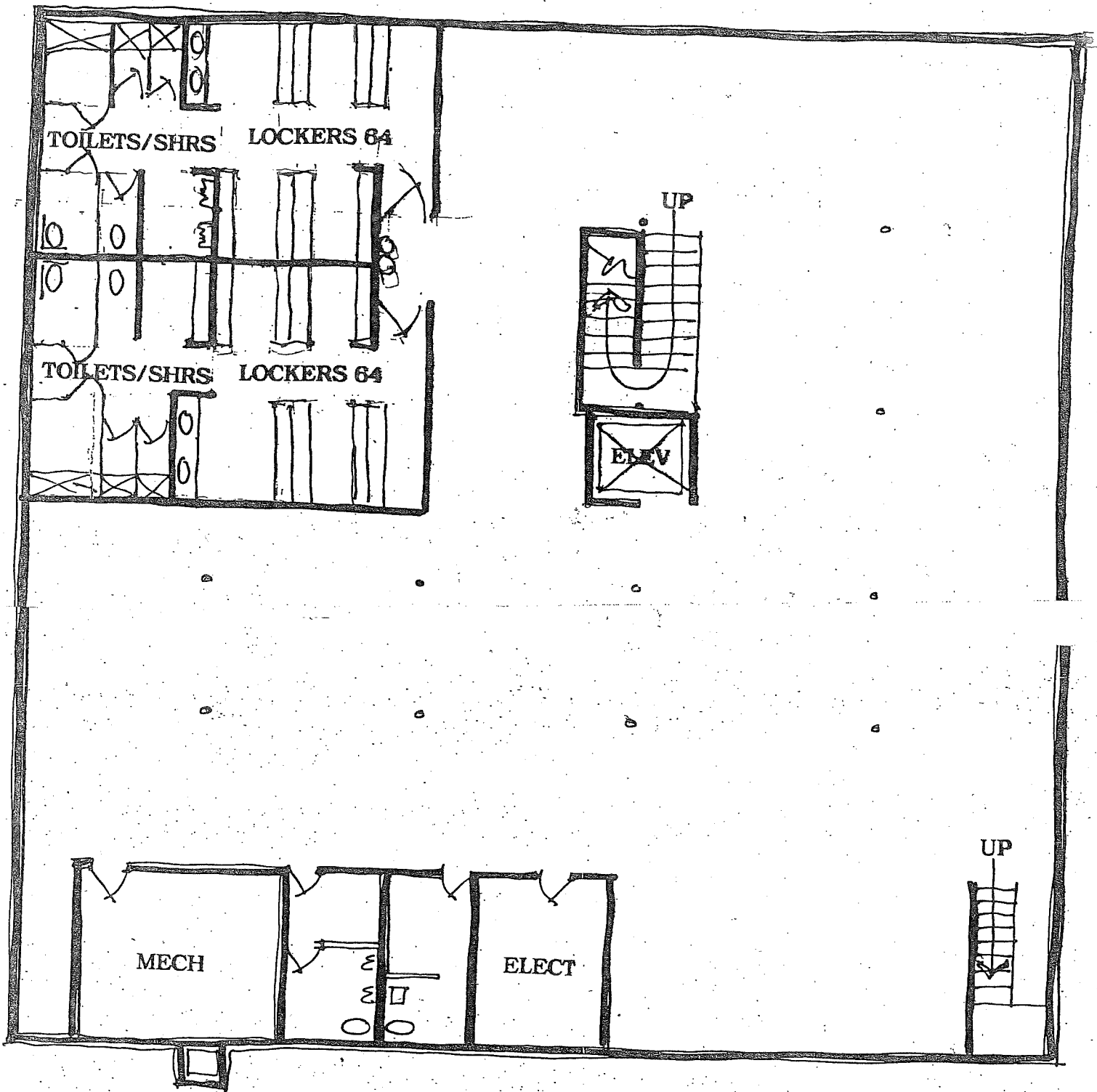
By: Alliance Bank
 For owner of property
David Stadtman - VP
 JENNILEE BROTMAN
 Notary Public-Minnesota
 My Commission Expires Jan 31, 2015



PRELIMINARY

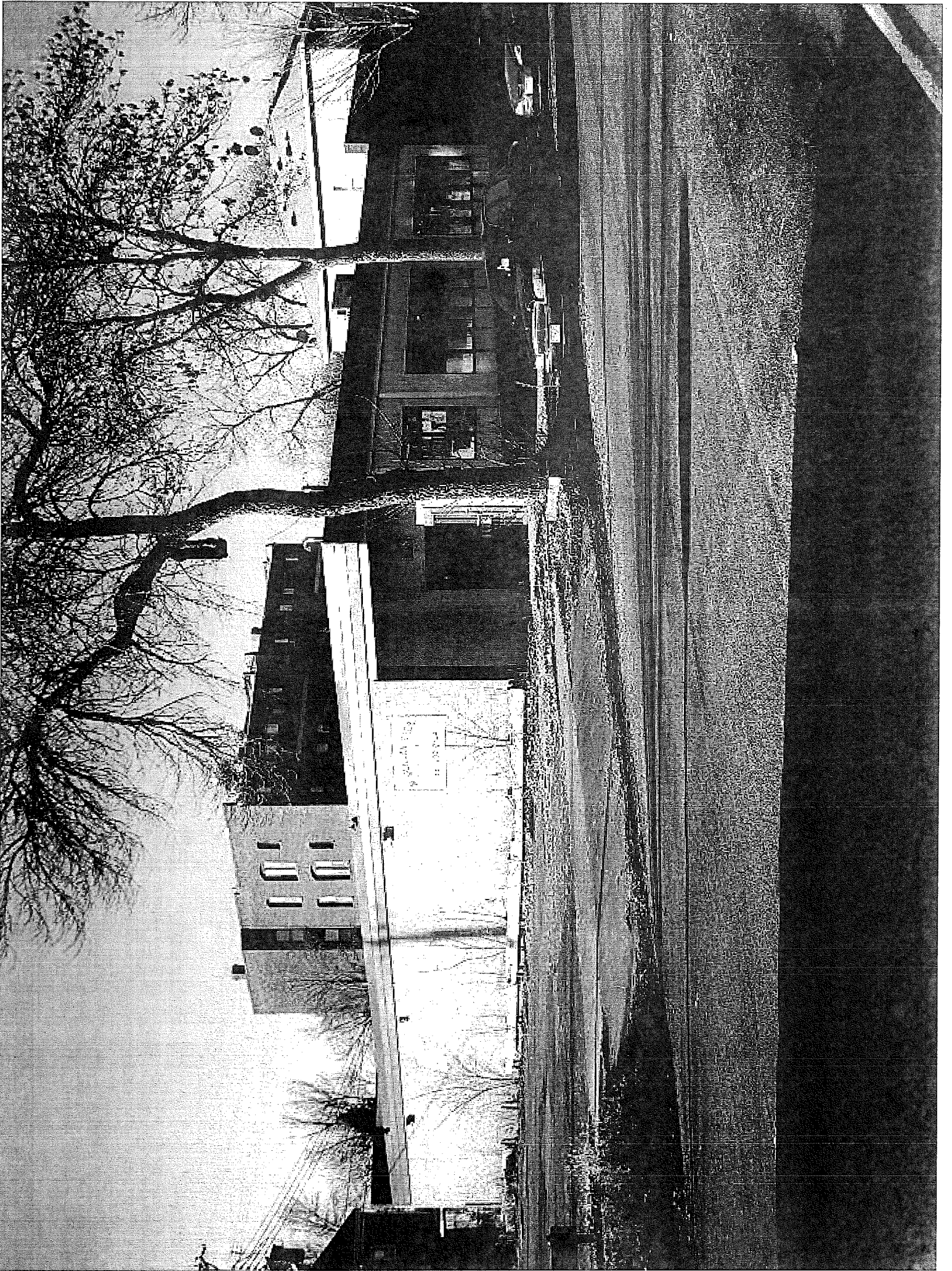
**UPPER FLOOR PLAN
STATERA FITNESS
688 HAGUE AVE**

ANDERSON DALE ARCHITECTS AUGUST 13, 2012 SCHEME A 1/8"=1'-0"



PRELIMINARY

**LOWER FLOOR PLAN
STATERA FITNESS
688 HAGUE AVE**

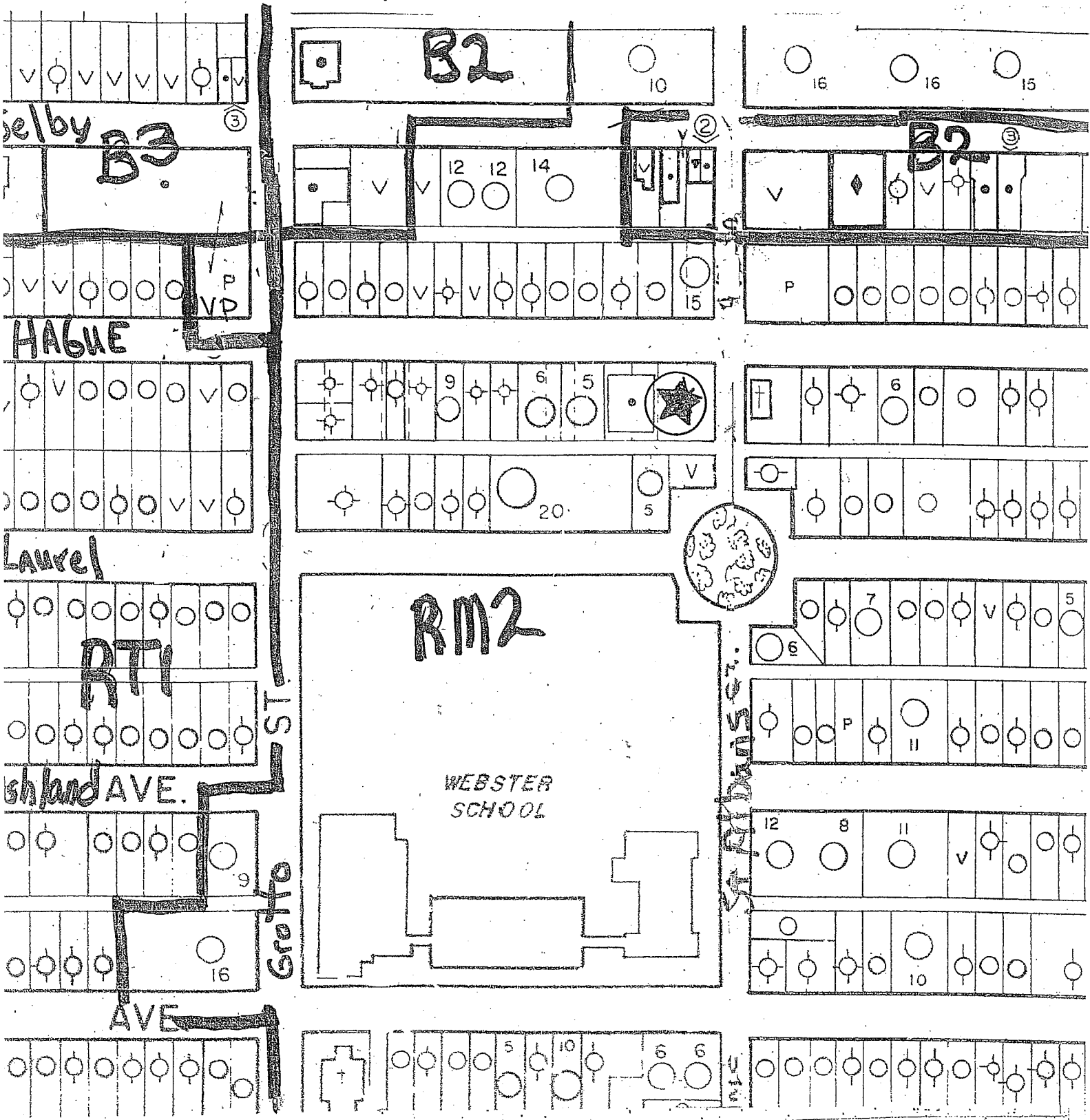




Dermody, Bill (CI-StPaul)

From: Terri Behrens <boboyoda@gmail.com>
Sent: Sunday, November 11, 2012 9:25 AM
To: Dermody, Bill (CI-StPaul)
Subject: Health fitness facility

Sent from my iPad. I am a neighbor in this proposal area. I am against this spot turning into a commercial business. We are trying to keep our neighborhood quiet and trying to cut down on traffic around our homes. We already have parking issues here. We already have parking problems with the church across from that site. Problems with parking also with the church on the corner of laurel and dale.i feel strongly that businesses should be kept on business streets!! This is a residential street.The neighbors will fight against this rezoning.you can call me if you like to talk about this,right now many people in this area cannot even find off street parking in front of their houses.with a club there it would be even harder creating congestion.i live here I know the area well and have also studied city planning. I will be at the meeting on tues the 20 th. I will be calling my district council. So I hope to hear from you. Terri at 612/804/9188



APPLICANT Alliance BANK
 PURPOSE Rezone RM2 → B2
 FILE # 12-206723 DATE 11-1-12
 PLNG. DIST. 8 Land Use Map # 19
 Zoning Map # 15
 SCALE 1" = 400'

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant

north

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Statera Fitness **FILE #:** 12-206-725
 2. **APPLICANT:** Statera Fitness **HEARING DATE:** November 20, 2012
 3. **TYPE OF APPLICATION:** PC Variance
 4. **LOCATION:** 688 Hague Ave, SW corner at St. Albans
 5. **PIN & LEGAL DESCRIPTION:** 022823110218, Holcombes Addition Tosaint P Lots 1 Thru Lot 4 Blk 7
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2
 7. **ZONING CODE REFERENCE:** §65.200; §61.202(b)
 8. **STAFF REPORT DATE:** November 15, 2012 **BY:** Bill Dermody
 9. **DATE RECEIVED:** October 30, 2012 **60 DAY DEADLINE FOR ACTION:** December 29, 2012
-

- A. **PURPOSE:** Variance for required parking
- B. **PARCEL SIZE:** 160' (Hague) x 109' (St. Albans), totaling 17,465 sq. ft.
- C. **EXISTING LAND USE:** Vacant, formerly a plumbing contractor's shop
- D. **SURROUNDING LAND USE:** Church to the east, parking lot to the northeast, and single-family/multi-family residential uses in other directions
- E. **ZONING CODE CITATION:** §65.200 prescribes parking requirements; §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6.
- F. **HISTORY/DISCUSSION:** The property was rezoned from C-Residence to Commercial in 1956 to allow a grocery store to be developed. Also in 1956, the property received a use permit for its parking lot and a variance for its 4' setback along the west property line. The property was rezoned RM2 in 1975 as part of a citywide rezoning. By 2000, the use changed to a woodworking factory. A plumbing contractor's shop occupied the building in 2003 and vacated the property in 2012. There is no other zoning history for this property. An application to rezone the property to B2 has been submitted along with this application.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this staff report, District 8 has not yet commented on the application.
- H. **FINDINGS:**
 1. The application requests a variance from the parking requirements so as to provide only 22 spaces rather than the required 44 spaces for the building of 17,772 gross square feet, for a variance of 22 spaces. The proposed use is a health/fitness facility.
 2. The Zoning Code (§65.200) requires 1 parking space per 400 square feet for a health club, 1 space per 900 square feet for a service business with showroom or workshop (such as a contractor's shop), and 1 space per 400 square feet for a supermarket up to 30,000 square feet in size.
 3. The submitted floor plan shows locker rooms as being the only portion of the basement used by health club members, with the rest of the basement used for storage and mechanical. The locker rooms total approximately 1,200 square feet. Combining the locker room area with the upper (ground) floor, approximately 10,200 square feet is used by health club members. A building of this size would require 25 parking spaces.
 4. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:
 - (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding can be met. The purpose of the parking regulations is to provide off-street parking adequate to lessen congestion in the public streets. The recommended conditions of approval would require substantial compliance with the submitted floor plan, which shows

much of the basement dedicated to inactive uses, thereby bringing the anticipated parking impact close to the Zoning Code requirements.

- (a) *The variance is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan designates the property as being part of an Established Neighborhood, as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). The Comprehensive Plan states, "Established Neighborhoods are residential areas of predominately single-family housing and adjacent neighborhood-serving commercial uses. These are areas of stability where the existing character will be essentially maintained." The variance does not affect the area's existing character. The Transportation chapter of the Comprehensive Plan calls for reduced off-street parking requirements near transit such as exists on Selby Avenue (Strategies 2.8 and 2.12). The District 8 Plan does not have any policies that apply to this proposal.
- (b) *The applicant has established that there are practical difficulties in complying with the provision that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The building is existing and there is no space on the property to expand parking. Few potential uses could meet the Zoning Code's parking requirements, such as a contractor's shop or a warehouse.
- (c) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The building is existing and there is no space on the property to expand parking.
- (d) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met so long as the recommended condition is met requiring city approval of the health facility use (by rezoning or other process).
- (e) *The variance will not alter the essential character of the surrounding area.* This finding is met. The parking requirements for the health facility use are the same as for the original supermarket use. Also, the hourly distribution of parking demand is similar to that of a supermarket use. The parking demand generated by the use will be mitigated by not using the entire building for active membership uses, as shown on the submitted floor plan; most of the basement is dedicated to storage and mechanical uses. Also, bicycle parking could have a further mitigating effect on parking demand. The overall impact of the business, as proposed and represented through the floor plan, is anticipated to be similar to previous businesses on the site.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the variance of required parking, from 44 spaces required to 22 spaces proposed for the property at 688 Hague Avenue, subject to the following additional conditions:

1. Final plans approved by City staff for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. At least three bicycle parking spaces shall be provided, either indoors or outdoors.
3. City approval of the health facility use by rezoning or other process.



APPLICATION FOR ZONING VARIANCE

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File number: 12-206725

Fee: \$ 300.00

Tentative hearing date: 11-20-12

Section(s): _____

City agent: _____

APPLICANT

Name Dennis D. Gudim Jr. Company ~~Gudim~~ LLC Statera Fitness
Address 755 Selby Ave.
City St. Paul State MN Zip 55104 Daytime Phone 651-707-7446
Property interest of applicant (owner, contract purchaser, etc.) contract purchaser
Name of owner (if different) Alliance Bank

PROPERTY

Address/Location 688 Hague Avenue
Legal description _____
(attach additional sheet if necessary)
Lot size _____ Present Zoning _____ Present Use _____
Proposed Use _____

Variance[s] requested:

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Parking Variance for 688 Hague. I have 22 spaces presently and need additional 10 spaces for new sq. ft.

Attachments as required: ☒ Site Plan

☒ Attachments

☒ Pro Forma

Applicant's signature

[Signature]

Date 10/19/12



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: November 21, 2012
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of November 20, 2012 Zoning Committee Hearing

NEW BUSINESS

1. **Statera Fitness (12-206-723)**
Rezone from RM2 multi-family residential to B2 community business
for a health/fitness facility

Address: 688 Hague Ave
SW corner at St. Albans

District Comment: District 8 made no recommendation

Support: 1 person spoke, 1 letter

Opposition: 2 people spoke, 1 letter

Hearing: Hearing is closed

Motion: Denial

	<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
--	--------------	---

	Denial	Denial (5 - 0)
--	--------	---------------------

2. **Statera Fitness (12-206-725)**
Variance for required parking

Address: 688 Hague Ave
SW corner at St. Albans

District Comment: District 8 made no recommendation

Support: 1 person spoke, 1 letter

Opposition: 2 people spoke, 1 letter

Hearing: Hearing is closed

Motion: Approval with conditions

	<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
--	--------------	---

	Approval with conditions	Approval with conditions (5 - 0)
--	-----------------------------	--

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS Alliance Bank, File # 12-206-723, has applied for a rezoning from RM2 multi-family residential to B2 community business for a health/fitness facility under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 688 Hague Avenue, Parcel Identification Number (PIN) 022823110218, legally described as Holcombes Addition Tosaint P Lots 1 Thru Lot 4 Blk 7; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 20, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application proposes rezoning the property from RM2 to B2 to allow a health/fitness facility to occupy the building.
2. The intent of the B2 community business district is "to serve the needs of a consumer population larger than that served by the 'local business district,' and [it] is generally characterized by a cluster of establishments generating large volumes of vehicular and pedestrian traffic." B2 zoning allows for a range of uses, including health club, restaurant, bank, offices, medical clinic, laundromat, service business, reception hall, and liquor store.
3. The proposed zoning is not consistent with the way this area has developed. The property has contained a commercial business since 1956. However, the surrounding area is generally mixed use, including residential and institutional uses, and access to the site is from local streets. Selby Avenue, a minor arterial, is one block to the north.
4. The proposed zoning is consistent with the Comprehensive Plan, which designates the property as being part of an Established Neighborhood, as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). The Comprehensive Plan states, "Established Neighborhoods are residential areas of predominately single-family housing and adjacent neighborhood-serving commercial uses. These are areas of stability where the existing character will be essentially maintained." The District 8 Plan does not have any policies that apply to this proposal.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting*

moved by _____
seconded by _____
in favor _____
against _____

property." The proposed zoning is "spot zoning" because it creates an island of nonconforming use within the surrounding area zoned RM2, and it would appear to dramatically reduce the value of abutting property. The nearest properties zoned B2 front on Selby Avenue and are not immediately adjoining the subject property.

6. The petition for rezoning was found to be sufficient on October 25, 2012: 32 parcels eligible; 22 parcels required; 23 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Alliance Bank for a rezoning from RM2 multi-family residential to B2 community business for property at 688 Hague Avenue be denied.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS Statera Fitness, File # 12-206-725, has applied for a variance from required parking under the provisions of §61.202(b) of the Saint Paul Legislative Code and using the required findings of MN Stat. 462.357, Subd. 6., on property located at 688 Hague Avenue, Parcel Identification Number (PIN) 022823110218, legally described as Holcombes Addition Tosaint P Lots 1 Thru Lot 4 Blk 7; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 20, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests a variance from the parking requirements so as to provide only 22 spaces rather than the required 44 spaces for the building of 17,772 gross square feet, for a variance of 22 spaces. The proposed use is a health/fitness facility.
2. The Zoning Code (§63.200) requires 1 parking space per 400 square feet for a health club, 1 space per 900 square feet for a service business with showroom or workshop (such as a contractor's shop), and 1 space per 400 square feet for a supermarket up to 30,000 square feet in size.
3. The submitted floor plan shows locker rooms as being the only portion of the basement used by health club members, with the rest of the basement used for storage and mechanical. The locker rooms total approximately 1,200 square feet. Combining the locker room area with the upper (ground) floor, approximately 10,200 square feet is used by health club members. A building of this size would require 25 parking spaces.
4. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:
 - (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding can be met. The purpose of the parking regulations is to provide off-street parking adequate to lessen congestion in the public streets. The recommended conditions of approval would require substantial compliance with the submitted floor plan, which shows much of the basement dedicated to inactive uses, thereby bringing the anticipated parking impact close to the Zoning Code requirements.

moved by _____
seconded by _____
in favor _____
against _____

- (b) *The variance is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan designates the property as being part of an Established Neighborhood, as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). The Comprehensive Plan states, "Established Neighborhoods are residential areas of predominately single-family housing and adjacent neighborhood-serving commercial uses. These are areas of stability where the existing character will be essentially maintained." The variance does not affect the area's existing character. The Transportation chapter of the Comprehensive Plan calls for reduced off-street parking requirements near transit such as exists on Selby Avenue (Strategies 2.8 and 2.12). The District 8 Plan does not have any policies that apply to this proposal.
- (c) *The applicant has established that there are practical difficulties in complying with the provision that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The building is existing and there is no space on the property to expand parking. Few potential uses could meet the Zoning Code's parking requirements, such as a contractor's shop or a warehouse.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The building is existing and there is no space on the property to expand parking.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met so long as the recommended condition is met requiring city approval of the health facility use (by rezoning or other process).
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The parking requirements for the health facility use are the same as for the original supermarket use. Also, the hourly distribution of parking demand is similar to that of a supermarket use. The parking demand generated by the use will be mitigated by not using the entire building for active membership uses, as shown on the submitted floor plan; most of the basement is dedicated to storage and mechanical uses. Also, bicycle parking could have a further mitigating effect on parking demand. The overall impact of the business, as proposed and represented through the floor plan, is anticipated to be similar to previous businesses on the site.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Statera Fitness for a variance from required parking at 688 Hague Avenue is hereby approved, subject to the following additional conditions:

1. Final plans approved by City staff for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. At least three bicycle parking spaces shall be provided, either indoors or outdoors.
3. City approval of the health facility use by rezoning or other process.

ZF # 12-206-723
Statera

Langer, Samantha (CI-StPaul)

From: Nancy Barden <gardenwithab@msn.com>
Sent: Friday, November 16, 2012 2:42 PM
To: Dermody, Bill (CI-StPaul)
Subject: statera fitness

To whom it may concern, My family lives on Hague at the western end of the block in question. We have resided here for 28 years . In all that time the 688 Hague Ave. property has operated as a commercial building. We have over the years had dealings with the MacQuillan Plumbing co and from time to time the Northstar co when they had this building. Anyone can readily see that this IS a commercial property so I was taken aback to see it categorized as a residential piece. The property as it sits is becoming a blighted spot and the concept of Statera obtaining it is a sound one. My husband and I are within a stones throw of Statera and have never seen ANY problems with the business. We are in fact members of Statera as are others on our block. The business generates no noise or any other nuisance that I can possibly imagine. It's my understanding that Dennis intends to enlarge his business and therefore hire people from the area. He is a longtime resident of our neighborhood and I feel that every consideration should be given this business opportunity . At a time when tax rolls are a little skimpy as far as business is concerned the chance to support the expansion of a successful business would seem a winning idea.
Sincerely Mrs. Geoffrey B. Barden,
725 Hague Ave. St. Paul, MN 55104-6606
651-247-0808